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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,
v.

GREEN UNITED, LLC, a Utah limited
liability company; WRIGHT W.
THURSTON, an individual; and
KRISTOFFER A. KROHN, an individual,

Defendants,
TRUE NORTH UNITED INVESTMENTS,
LLC, a Utah limited liability company; and
BLOCK BROTHERS, LLC, a Utah limited
liability company;

Relief Defendants.

STATUS REPORT

Case No. 2:23-cv-00159-HCN-CMR

Judge Howard C. Nielson
Magistrate Judge Cecilia M. Romero

Plaintiff Securities and Exchange Commission (“SEC”) provides the following status report to the Court to provide relevant background prior to the Court determining the pending Motions to Dismiss. Dkt. 23, 28.

On September 8, 2023, Judge Jenkins held a hearing on Defendants Green United, LLC and Wright Thurston, and Defendant Kristoffer Krohn’s (“Defendants”), Motions to Dismiss. Dkt.

51. While no written order has issued, at that hearing, Judge Jenkins granted Defendant Wright Thurston's motion to dismiss the fraud claims against him pursuant to Fed. R. Civ. P. 9(b). *See Exhibit A, Excerpts of Transcript of September 8, 2023 Hearing at 77:23-78:2.* At the hearing, Judge Jenkins also expressly granted the SEC leave to amend the fraud claims against Thurston, *id.*, and requested supplemental briefing on the remaining issues, *id.* at 78:3-79:7.

Defendant Thurston submitted a proposed order based on Judge Jenkins's oral ruling, Dkt. 54, which purported to place limitations on the SEC's ability to amend the fraud claims against Thurston. The SEC submitted an objection to the proposed order. Dkt. 55. Judge Jenkins did not address the parties' submissions or enter a written order reflecting his oral ruling.

On December 19, 2023, the Court requested counsel's availability for oral argument on Defendants' pending motions to dismiss. The SEC will be prepared to argue these motions when the Court schedules the hearing.

The SEC respectfully informs the Court that it intends to amend its complaint, consistent with Judge Jenkins' oral ruling, and has been waiting for a written order reflecting that ruling prior to doing so.

The SEC further informs the Court that that it will file a motion to amend its complaint pursuant to Fed. R. Civ. P 15(a)(2) on or before January 19, 2024. Judge Jenkins has already given leave for the SEC to amend its fraud claims against Thurston and the SEC believes that amendment can clarify other issues raised in the motions to dismiss. Amendment prior to argument will also prevent the potential complication of multiple motions to dismiss and is consistent with the Court's preferred practices. *See Judge Howard C. Nielson, Jr. Practices & Procedures,* <https://www.utd.uscourts.gov/judge-howard-c-nielson-jr> (last visited Dec. 22, 2023).

Accordingly, the SEC respectfully suggests that judicial economy may be served by allowing it to amend its complaint consistent with Judge Jenkins' oral ruling prior to scheduling argument on the motions to dismiss.

Dated: December 22, 2023.

SECURITIES AND EXCHANGE COMMISSION

/s/ Troy Flake
Troy Flake
Casey R. Fronk
*Attorneys for Plaintiff Securities and Exchange
Commission*

CERTIFICATE OF SERVICE

On this 22nd day of December 2023, I hereby certify that I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification and service to all counsel of record.

/s/ *Troy K. Flake*